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ATTORNEY'S DOCKET NO. 0342941-0043 (HU01594-99)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jarrell, et al.
Serial No: 09/478,263
Filed: January 5, 2000
For: COMBINATORIAL BIOLOGY

Examiner:
Art Unit: 1633

Commissioner for Patents
Washington, DC 20231

RECEIVED

SEP 08 2000

Sir:

**OFFICE OF PETITIONS
DEPUTY A/C PATENTS**

PETITION TO REVIVE UNDER 37 CFR §1.137(b)

The above-referenced patent application became abandoned on August 18, 2000 for failure to respond to a Notice to File Missing Parts that was mailed on February 17, 2000. The purpose of the present Petition is to request that the application be restored to pending status, and that the enclosed Response to Notice to File Missing Parts be accepted.

In accordance with 37 CFR § 1.137(b), Applicant has enclosed the following materials:

- (1) the Response to Notice to File Missing Parts, including the following components:
 - (a) a copy of the Notice to File Missing Parts;
 - (b) a Small Entity Statement executed by a representative of the Trustees of Boston University and reflecting ownership interests by both the President and Fellows of Harvard College and Modular Genetics, Inc.;
 - (c) a Small Entity Statement executed by a representative of the President and Fellows of Harvard College, and reflecting ownership

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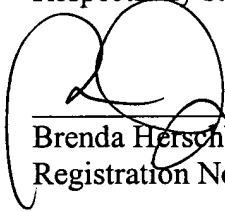
interests by both the Trustees of Boston University and Modular Genetics, Inc.;

- (d) a Small Entity Statement executed by a representative of Modular Genetics, Inc., and reflecting ownership interests by both the Trustees of Boston University and the President and Fellows of Harvard College;
- (e) a Right of Assignee to Take Action form executed by representatives of both the Trustees of Boston University and the President and Fellows of Harvard College, including a copy of an executed Assignment transferring Dr. Matthew Shair's rights in the invention to the President and Fellows of Harvard College, and an executed Assignment transferring Dr. Kevin Jarrell's rights in the invention to the Trustees of Boston University;
- (f) Two Appointment of Attorney forms executed by representatives of both the Trustees of Boston University and the President and Fellows of Harvard College;
- (g) a Declaration executed by both of the inventors;
- (h) a check in the amount of \$65.00 to cover the small entity surcharge set forth in 37 CFR 1.16(e);
- (i) a Petition for a four (4)-month extension of time under 37 CFR § 1.136(a) for responding to the Notice to File Missing Parts from April 17, 2000 to and including August 17, 2000;
- (j) a check in the amount of \$680.00 to cover the extension of time fee set forth in 37 CFR §1.17(a)(4).

- (2) a check in the amount of \$605.00 to cover the petition fee set forth in 37 CFR §1.17(m);
- (3) a Statement that the entire delay in filing the required reply to the Notice to File Missing Parts, from the time of the due date (August 17, 2000) to the present date (August 25, 2000) was unintentional; and
- (4) a return postcard.

In light of the above information, Applicant respectfully requests that the application be revived, and that the enclosed Response to Notice to File Missing Parts be accepted. Please charge any additional fees that may be associated with this matter, or credit any overpayments, to our Deposit Account No. 03-1721.

Respectfully submitted,

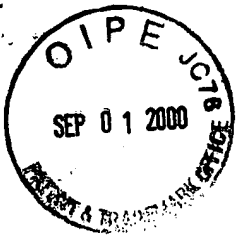


Brenda Herschbach Jarrell, Ph.D.
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Date: August 28, 2000
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231 on August 28, 2000

Karen E. Guapo



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STATEMENT

The entire delay in filing the required reply to the Notice to File Missing Parts, from the time of the due date (August 17, 2000) to the present date (August 28, 2000) was unintentional. Due to a docketing error, the deadline for responding to the Notice to File Missing Parts was indicated in the records of the undersigned as being September 17, 2000 rather than August 17, 2000. Accordingly, although preparations for responding to the Notice were underway, they were not completed in time. As soon as the error was noticed, the present Petition was prepared.

Respectfully submitted,


Brenda Herschbach Jarrell, Ph.D.
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on August 28, 2000
Taren E. Hespo